

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-050443

03/22/2012

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT

C. Vigil

Deputy

IN RE THE MARRIAGE OF
AMY L PRICKETT

KIILU DAVIS

AND

JASON R PRICKETT

JASON R PRICKETT
3632 W JACKSONVILLE DR
ANTHEM AZ 85086

DAVID MCPHEE
5320 NORTH 16TH STREET
SUITE 207
PHOENIX AZ 85016

ORDER APPOINTING A THERAPEUTIC INTERVENTIONIST

A Therapeutic Interventionist (TI) is appointed pursuant to:

Arizona Revised Statutes Section 25-405 - Interviews by court; professional assistance:

A. The court may interview the child in chambers to ascertain the child's wishes as to his custodian and as to visitation.

B. The court may seek the advice of professional personnel, whether or not employed by the court on a regular basis. The advice given shall be in writing and shall be made available by the court to counsel, upon request, under such terms as the court determines. Counsel may examine as a witness any professional personnel consulted by the court, unless such right is waived.

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The Therapeutic Interventionist shall serve pursuant to applicable case law, rules of court, local rules, domestic relations rules, rules of civil procedure, uniform rules, and with behavior consistent with the Ethical Standards of the American Psychological Association.

It is understood that Therapeutic Intervention is an intervention aimed at supporting a renewed relationship, usually between a parent or caretaker and a child. The intervention is typically designed for cases of polarization or estrangement, yet is useful in a broad array of family law circumstances. Therapeutic Intervention is generally ordered to reunify parent with children or siblings with one another.

TERM

The Therapeutic Interventionist is appointed for a term of 12 months subject to (1) reappointment at the expiration thereof upon the Court's own motion, the request of the Therapeutic Interventionist or motion of either party; or (2) earlier removal by court order based upon motion showing good cause, stipulation of the parties, or resignation by the Therapeutic Interventionist. Sixty (60) days prior to the expiration of this appointment, the Therapeutic Interventionist shall submit to the Court and parties or their counsel, if represented, a summary of the history of the services rendered, compliance by the parties, recommendations made, and any recommendations for future involvement of the Therapeutic Interventionist.

IT IS ORDERED appointing David McPhee in the following role to perform the following functions:

David McPhee, 5320 North Sixteenth Street, Suite 207, Phoenix, AZ 85016, phone number: 602-374-5345.

Therapeutic Reunification Clinician

In this role, the interventionist may serve as follows:

1. Provide rehabilitation of a relationship between identified family members.
2. Identify, establish and communicate clear boundaries, behavioral expectations, and rules, in order to enhance safety and health in the family.
3. Make referrals for therapy as appropriate for containment of psychological or behavioral issues regarding the parents or children as needed.

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4. Report child maltreatment pursuant to applicable child abuse reporting statutes.
5. Facilitate the development of, or implement a court-ordered, child-focused, schedule for access.
6. Facilitate conflict resolution.
7. Provide education and support to obviate re-litigation.
8. Assist family members in establishing:
 - a. Rules for healthy interaction with each other;
 - b. Rules for safe touch;
 - c. Rules for appropriate child discipline;
 - d. Rules for establishing appropriate behavioral limits;
 - e. Rules for family boundaries;
 - f. Rules for what is discussed in telephone contacts between parents and children;
 - g. Rules for behavior at exchanges;
 - h. Rules regarding who is present at exchanges and access.

THE AUTHORITY OF THE THERAPEUTIC INTERVENTIONIST

The Therapeutic Interventionist shall have the following rights and authority with regard to the minor children and family members:

The Therapeutic Interventionist shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law. The Therapeutic Interventionist shall have the authority to assess, intervene, educate and refer for treatment as deemed necessary by the expert.

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The Therapeutic Interventionist shall have: (a) Reasonable access to the children and family members with 24-hour notice and (b) Reasonable access to all treating clinicians, medical doctors, educators, day care providers, and health care professionals with 24-hour notice. The parties shall immediately comply with any requests by the Expert for documentation or further evaluation such as random drug testing through TASC, substance use assessment by a licensed medical doctor, or any other form of assessment unless otherwise instructed via court order.

In addition, the Therapeutic Interventionist shall be promptly provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted on the date requested. This Stipulation shall act as a release by the parties of all information requested by the Therapeutic Interventionist and shall further obligate the parties for any costs associated with the production of those records to the Therapeutic Interventionist. Any such costs shall be paid promptly and by the party/parties as outlined in this order.

The Therapeutic Interventionist may request that the parties and/or children participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.

The Therapeutic Interventionist may communicate ex-parte with the Court regarding procedural issues. The Court may order additional rules applicable to the Therapeutic Interventionist from time to time.

The Therapeutic Interventionist may seek guidance from the Court in order to achieve clarity with regard to the procedural aspects of the intervention should disputes arise. If the litigant[s] is/are pro per, the Therapeutic Interventionist may communicate with the judge regarding how to proceed.

The attorneys may not engage in ex-parte communications regarding substantive issues with the Therapeutic Interventionist but rather communications shall be conducted personally or through conference calls, unless otherwise determined by the court. Procedural issues and scheduling may be discussed at the discretion of the Therapeutic Interventionist. The Therapeutic Interventionist may choose to communicate with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at his/her discretion.

No other clinicians (therapists, psychologists, social workers) are to work on this case during the course of the evaluation without the consent or authorization of the Interventionist, unless otherwise authorized by court order.

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All information gathered for the pending legal proceeding is restricted for use by the Family Court. Neither the parties nor their representatives (to include friends and family members) may disseminate the report, testimony or transcripts to any other source without a court order authorizing release of information.

Although the Therapeutic Interventionist will espouse collegial inter-professional relations with counsel, the Therapeutic Interventionist does not have to report to the attorneys and any threats or intimidation by counsel or the parties toward the interventionist shall be promptly reported to the court.

The Therapeutic Interventionist has the authority to make recommendations regarding implementation, clarification, amendment and enforcement of any temporary or permanent treatment or reunification orders of the court. Such recommendations are made in writing and copied to counsel or the parties. The Therapeutic Interventionist may report non-compliance by either party or family member and may recommend appropriate sanctions for such behavior.

INFORMATION AND RECORDS

The Therapeutic Interventionist shall be provided copies of all minute entries, orders and pleadings filed in this case.

The Therapeutic Interventionist shall have access to:

- [i] All therapists of the children and parties;
- [ii] All school and medical records of the children and parties;
- [iii] Any and all psychological testing or evaluations performed on the children or the parties (if the Therapeutic Interventionist is qualified in test interpretation);
- [iv] Any and all teachers/child care providers for the children.
- [v] Any and all additional records the Therapeutic Interventionist deems necessary and relevant to the evaluation.

At the request of the Therapeutic Interventionist, each party shall execute any and all releases or consents necessary so as to authorize the Therapeutic Interventionist's access to the information contemplated herein above.

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The Therapeutic Interventionist may seek information and records that are the result of a privileged relationship. The Therapeutic Interventionist shall request only the records and information that are necessary and pertinent to further the purpose of this case stabilization. The possessor of the records and information will release relevant information in an effort to retain the integrity of the privileged relationship, yet cooperate with the needs of the Therapeutic Interventionist for this case stabilization.

The Therapeutic Interventionist is authorized to interview and treat the parties or child in any combination, whether initiated by the Therapeutic Interventionist or either party. If either party provides data to the Therapeutic Interventionist, the giving party shall provide the documentation or writing given to the Therapeutic Interventionist to the opposing party and counsel (if any) simultaneous to providing it to the Therapeutic Interventionist.

The Therapeutic Interventionist has the right to determine, in his or her professional opinion, the information that he or she deems significant and relevant to the legal matter and the procedures necessary to obtain that information.

The Therapeutic Interventionist is permitted to consult with or exchange information with professionals and other collateral informants he or she deems appropriate in conducting this intervention and preparing any said report.

CONFIDENTIALITY

There is no confidentiality relating to the parties' communications with/to the Therapeutic Interventionist or concerning the Therapeutic Interventionist's activities, treatment, referrals, data collection or recommendations. This court order constitutes a complete waiver of doctor-patient privilege, as the Therapeutic Interventionist is appointed as the court's expert. Additional rules applicable to the Therapeutic Interventionist may be ordered by the Court from time to time.

APPEARANCES

Each party reserves the right to call the Therapeutic Interventionist as a witness. If only one party believes that the Therapeutic Interventionist's testimony is necessary in addition to her written report, that party shall be responsible for 100% of the costs incurred in connection with the Therapeutic Interventionist testifying during the hearing.

The Therapeutic Interventionist may appear and may be available to testify at any court hearing upon reasonable notice to the Therapeutic Interventionist, the Court, and the opposing party, regarding any issue addressed by the Therapeutic Interventionist.

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The parties' attorneys are responsible for notifying the Therapeutic Interventionist of any changes the attorneys make in the originally scheduled hearing date. If, due to extenuating circumstances, the clinician is unable to provide a written report prior to the scheduled hearing, the clinician will notify the attorneys and the court, specifying when the report shall be completed.

If transcripts, tape recordings or videotapes have been made of any portions of the Therapeutic Interventionist's proceedings, they shall be submitted to the Court. There will be no videotaping or audio taping of the Therapeutic Interventionist, the child or the parties without the written consent of the Therapeutic Interventionist.

IMMUNITY

The Therapeutic Interventionist shall act in the capacity of a special master in his/her capacity pursuant to this Order, and as such, the Therapeutic Interventionist is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Therapeutic Interventionist shall be brought to the attention of the Court in writing, prior to the submission of such complaints to any administrative bodies. Professional conduct within the scope of this court order shall not be deemed unprofessional conduct by the court or any administrative body.

FEES

IT IS ORDERED the Petitioner shall be responsible for and pay 50% of the Therapeutic Interventionist's fees and the Respondent shall be responsible for and pay 50% of the Therapeutic Interventionist's fees, until further order of the Court. All fees shall be paid in advance as determined by the Therapeutic Interventionist. The Therapeutic Interventionist shall keep accurate records of services rendered and fees paid by each party.

If the Therapeutic Interventionist's fee policies include the payment of a retainer, said retainer should be paid by responsible party/parties prior to the first appointment. Payment thereafter should be made in accordance with the Therapeutic Interventionist's fee procedures. If at any point a party has not abided by the Therapeutic Interventionist's payment procedures, the Therapeutic Interventionist may contact the Court and request that the non-paying party be directed to pay in order to continue the treatment in a timely fashion.

Should the Therapeutic Interventionist determine that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result

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thereof, the Therapeutic Interventionist may recommend to the Court a different allocation for payment of fees.

Payment of all fees to the Interventionist may be requested by the clinician in full prior to completion of the report, if there is any cause for concern regarding non-payment of fees in this case.

The fees ordered to be paid to the Therapeutic Interventionist hereunder are considered to be in the nature of and enforceable as child support and are endorsed as an adjustment within the guidelines as more clearly set forth in the parent's worksheet for child support.

THE THERAPEUTIC INTERVENTIONIST REPORT

The Therapeutic Interventionist shall provide brief 90-day intervention summaries to the court. Copies are to be provided to the parties or counsel.

The report of the Therapeutic Interventionist may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. It is agreed that the report shall be delivered to the Court and counsel, unless the Therapeutic Interventionist asserts extraordinary extenuating circumstances, including but not limited to imminent life threat or the potential for serious harm to a person related to the case. In that instance, the Court shall make a ruling regarding dissemination.

ROLE OF THE PARTIES

The parties shall be responsible for the following:

1. Keep the Therapeutic Interventionist informed of concerns;
2. Meet the behavioral expectations outlined in the court order;
3. Meet the behavioral expectations outlined by the Therapeutic Interventionist during the course of the work;
4. Promote a healthy relationship between their children and the other parent;
5. Work toward fostering healthy familial relationships;

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6. Provide the Therapeutic Interventionist with any legal, medical, scholastic and psychological records relevant to the case, upon the request of the Therapeutic Interventionist;

7. Provide the clinician with notice of all judicial proceedings affecting the children or the intervention process.

The parties shall keep the Therapeutic Interventionist advised of their and the child(ren)'s addresses, telephone numbers for home, work and school, mailing address if different than the living address, as well as any other pertinent information. This information shall be immediately communicated in writing to the Therapeutic Interventionist.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / HONORABLE DOUGLAS GERLACH

JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.